IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS METROPOLITAN POLICE DEPARTMENT,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, AND THE HONORABLE STEFANY MILEY, DISTRICT JUDGE,
Respondents,

and

AMERICAN BROADCASTING COMPANIES, INC.; THE ASSOCIATED PRESS; CABLE NEWS NETWORK, INC.; CHESAPEAKE MEDIA I, LLC, D/B/A KSNV-TV; LOS ANGELES TIMES COMMUNICATIONS, LLC; THE NEW YORK TIMES COMPANY; SCRIPPS BROADCASTING HOLDINGS, LLC D/B/A KTNV-TV; WP COMPANY LLC D/B/A THE WASHINGTON POST AND LAS VEGAS REVIEW-JOURNAL,
Real Parties in Interest.

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CASE NO.: 76023

DISTRICT COURT CASE NO.: A764030; A764169-W

NOTICE OF SUPPLEMENTAL AUTHORITY

Pursuant to Nev. R. App. P. 31(e), Real Party in Interest the Las Vegas Review-Journal ("Review-Journal") hereby submits as supplemental authority the Court's decision in *Pub. Employees' Ret. Sys. of Nevada v. Nevada Policy Research Inst., Inc. (NPRI)*, 134 Nev. Adv. Op. 81, 2018 WL 5077907 (Oct. 18, 2018).

1. ***Legal proposition being supplemented*: Compiling Information Is Not Equivalent to Creating a New Record (*corresponding to pages 29-31 of the Review-Journal's Opposition*).**

In *PERS v. NPRI*, the Nevada Policy Research Institute ("NPRI") submitted a public records request to PERS seeking payment of records of its government retirees for the year 2014. *NPRI*, 134 Nev. Adv. Op. 81, 2018 WL 5077907, *1. NPRI had previously obtained this information from PERS pursuant to the prior decision of this Court in *PERS v. Reno Newspapers, Inc.* (*Reno Newspapers*), 129 Nev. 833, 313 P.3d 608 (2015)). *Id.* However, in apparent response to this Court's opinion in *Reno* Newspapers, PERS stopped providing individual names to the third party actuary and refused to respond to a subsequent request from NPRI on that basis. *Id.* at *3. PERS argued that responding to NPRI's records request required the creation of a new document. *NPRI*, 2018 WL 5077907, *5.

The Court rejected that argument. In doing so, the Court clarified its decision in *Reno Newspapers*, holding that:

> [T]he [NPRA] requires a state agency to query and search its database to identify, retrieve, and produce responsive records for inspection if the agency maintains public records in an electronic database. In doing so, we clarify that the search of a database or the creation of a program to search for existing information is not the "creat[ion] [of] new documents or customized reports," as contemplated by *Reno Newspapers*. This comports with our holding in *Reno Newspapers*, as well as our later holding in [*LVMPD v.*] *Blackjack Bonding*, where we held that "when an agency has a computer program that can readily compile the requested information, the agency is not excused from its duty to produce and disclose that information." 131 Nev. 80, 87, 343 P.3d 608, 613 (2015).

NPRI, 2018 WL 5077907, *6.

Respectfully submitted this the 7th day of November, 2018.

/s/ Margaret A. McLetchie
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing NOTICE OF SUPPLEMENTAL AUTHORITY was filed electronically with the Nevada Supreme Court on the 7th day of November, 2018. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

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The Honorable Judge Stefany Miley
Eighth Judicial District Court, Dept. XXIII
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VIA HAND-DELIVERY

/s/ Pharan Burchfield
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